

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

JAMES A. BERINGER,

Plaintiff,

v.

PEOPLE OF THE UNITED STATES OF  
AMERICA, *et al*,

Defendants.

Case No. C04-5708FDB

ORDER DISMISSING  
COMPLAINT PURSUANT TO  
LOCAL RULE CR 41

The Court, having reviewed the Report and Recommendation of United States Magistrate Judge Karen L. Strombom, objections to the report and recommendation, if any, and the remaining record, does hereby find and ORDER:

- (1) The Court adopts the Report and Recommendation;
- (2) Plaintiff's complaint is DISMISSED without prejudice;
- (3) Plaintiff's request for reimbursement of the \$150.00 court filing fee is DENIED;
- (4) The Clerk is directed to terminate this action pursuant to Local Rule CR 41; and
- (5) The Clerk is directed to send copies of this Order to plaintiff and the Honorable Karen L. Strombom.

DATED this 31<sup>st</sup> day of May 2005.



FRANKLIN D. BURGESS  
UNITED STATES DISTRICT JUDGE